

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5727 OF 2004

Mr.Ravindra Narayan Joglekar ..Applicant

Vs.

Encon Exports Pvt.Ltd. and Anr. ..Respondents

...
Mr.M.S.Mohite for Applicant
Mrs.Anita Agarwal for Respondent no.1
Ms.S.V.Gajare A.P.P. for State
...

CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : JUNE 9, 2005

P.C.

1. Heard the learned advocate for the applicant.
2. The applicant is seeking quashing of process issued against him under Section 138 of Negotiable Instruments Act by the learned J.M.F.C. (A.C.) Court Pune in C.C.No. 10025 of 2003.
3. For the reasons recorded in my order dated 8th June, 2005 in Cri.Application No. 645 of 2005 and

in order dated 9th June, 2005 in Cri.Application No. 1379 of 2005, in my view, it is clear that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. It is stated that the applicant is not in India and he is expected back latest by second week of August, 2005. The learned advocate for the applicant states that proceedings before the lower Court may be stayed upto 15.8.2005 to enable him to prefer revision and seek orders from the lower Court. He has prayed for time upto 15.8.2005 only on the ground that the applicant not being in India at the moment and the applicant is expected back latest by 15.8.2005. Looking to the facts and circumstances of this case, the prayer appears to be reasonable and hence, proceedings before the trial Court are stayed upto 15.8.2005.

5. As far as the non-bailable warrant which has

been issued against the applicant is concerned, I am of the opinion that the applicant should prefer an application before the trial Court for setting aside the non-bailable warrant. To enable the applicant to take necessary steps in respect of the warrant, stay granted by this Court by order dated 15.4.2005 in respect of the non-bailable warrant is extended upto 19.8.2005.

6. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court in respect of the order of the Magistrate issuing process. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing necessary parties. All contentions of the parties are left open.

7. Criminal Application is disposed of.

[V.K.TAHILRAMANI, J]